

House Bill 490

By: Representative Porter of the 143<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Teachers Retirement System of Georgia, so as to provide for a postretirement benefit  
3 increase for certain retired members; to provide for a recalculation of creditable service; to  
4 provide for an allocation of benefit increases; to provide that active members of such  
5 retirement system may obtain creditable service for prior service in public schools; to provide  
6 for conditions; to provide for the payment of employer and employee contributions; to  
7 provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the Teachers  
12 Retirement System of Georgia, is amended by revising Code Section 47-3-95, relating to  
13 creditable service for service in private schools, as follows:

14 "47-3-95.

15 A member who has completed at least five consecutive years of membership service in the  
16 public schools of Georgia or the University System of Georgia immediately prior to  
17 applying may obtain up to ten years of creditable service for service as a teacher in a  
18 private elementary or secondary school or any private college or university located in the  
19 state accredited by the Southern Association of Colleges and Schools, the Georgia  
20 Accrediting Association, or a nationally recognized accrediting agency by the State Board  
21 of Education. Such service credit shall be allowed on the basis of one year of credit for  
22 such service for each additional year of membership service in the public schools of  
23 Georgia or the University System of Georgia. A member wishing to obtain such creditable  
24 service shall provide documentation and pay to the board of trustees ~~such amount as~~  
25 ~~determined by the actuary as necessary to grant such benefit without creating any accrued~~  
26 ~~actuarial liability as to this retirement system~~ the employer and employee contributions

1 which would have been paid to the retirement system on a salary comparable to his or her  
2 salary for such service, plus the applicable rate of interest, in accordance with regulations  
3 adopted by the board of trustees."

## 4 **SECTION 2.**

5 Said chapter is further amended by adding a new Code section to read as follows:

6 "47-3-126.5.

7 (a) As used in this Code section, the term 'qualified beneficiary' means a member of this  
8 retirement system who retired on a service retirement between January 1, 2003, and June  
9 30, 2008.

10 (b) Effective on July 1, 2008, the retirement allowance of any qualified beneficiary shall  
11 be recalculated by increasing the amount of creditable service claimed by such qualified  
12 beneficiary upon his or her retirement plus the number of years, not to exceed ten years,  
13 of prior service as a teacher in a private elementary or secondary school or any private  
14 college or university located in the state accredited by the Southern Association of Colleges  
15 and Schools, the Georgia Accrediting Association, or a nationally recognized accrediting  
16 agency approved by the State Board of Education. The resulting increase in benefits shall  
17 be paid from July 1, 2008, forward.

18 (c) The amount of increase in the monthly retirement benefit granted pursuant to  
19 subsection (b) of this Code section shall be reduced as provided in this subsection. The  
20 board of trustees shall calculate the amount of employer and employee contributions which  
21 the qualified beneficiary would have paid to the retirement system if he or she had obtained  
22 additional creditable service in accordance with Code Section 47-3-95 and retain the  
23 amount of the increase in benefit until such amount has been paid with interest calculated  
24 to the date of payment."

## 25 **SECTION 3.**

26 This Act shall become effective on July 1, 2008, only if it is determined to have been  
27 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
28 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
29 become effective and shall be automatically repealed in its entirety on July 1, 2008, as  
30 required by subsection (a) of Code Section 47-20-50.

## 31 **SECTION 4.**

32 All laws and parts of laws in conflict with this Act are repealed.